

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

In the matter of the restraint of:

**\$588,453.25 in United States
Currency in Bank of America
Account Number x8909 in the Name
of “James Dunbar”,**

**\$859,049.90 in United States
Currency in JP Morgan Chase
Account Number x8305 in the Name
of “Vines Investments Inc.”,**

**\$251,758.06 in United States
Currency in Bank of America
Account Number x7317 in the Name
of “Shelby R Carter Sole Prop”,**

**\$265,000.00 in United States
Currency in Central Trust Bank
Account Number x6587 in the Name
of “James Dunbar”, and**

**\$44,810.33 in United States Currency
in First Republic Bank Account
Number x2996 in the name of
“Ashton B Vines”.**

8:19CV164

**ORDER EXTENDING RESTRAINING
ORDER FOR 90 DAYS**

This matter is before the Court on the United States of America’s Motion to extend the Court’s temporary restraining order (Filing No. 6) pursuant to 18 U.S.C. § 983(j)(3) and Rule 65 of the Federal Rules of Civil Procedure, for 90 days in order to ensure that the restrained property is available for forfeiture; and

IT APPEARING TO THE COURT THAT:

The affidavit of FBI SA Jacob Foiles, filed under seal due to the ongoing criminal investigation, establishes good cause that:

1. the property with respect to which the order is sought is subject to civil forfeiture;
2. there is a substantial probability that the United States will prevail on the issue of forfeiture with respect to the funds in the Target Accounts as proceeds of wire fraud, in violation of 18 U.S.C. §§ 1343 and 1349 and thus subjecting the funds to civil forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C)(as proceeds);
3. failure to extend the Court's pre-complaint restraining order (Filing No. 6) will result in the removal of the property from the jurisdiction or otherwise make such funds unavailable for forfeiture; and
4. the need to preserve the availability of the property through entry of this order outweighs the hardship on any person against whom the order is to be entered.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, PURSUANT TO 18 U.S.C. § 983(j)(3), THAT:

1. All financial institutions, including their agents and employees, holding any of the funds in the accounts listed on Attachment 1 (the Properties) are ENJOINED AND RESTRAINED from transferring (by wire or other means), conveying, diminishing, or disposing of the Properties, funds and monies held in the accounts described in Attachment 1 for an additional 90 days to and including July 26, 2019.

2. Such financial institutions shall continue to receive and credit monies to the identified accounts and such funds shall be subject to this Order and restrained pursuant to its terms;
3. All persons including James Dunbar, Shelby R. Carter, Vines Investments, Inc. and Ashton B. Vines, and their agents, servants, employees, attorneys, family members and those persons in active concert or participation with them, are hereby ENJOINED AND RESTRAINED from withdrawing, distributing, giving away, encumbering or otherwise removing from the jurisdiction of this Court, or from any checking or savings account, any interest in funds or monies obtained or received, directly or indirectly (from another account listed above) from the victim company, namely, Malnove Holding Company, Inc. (Malnove), without prior approval of the Court upon notice to the United States and an opportunity for the United States to be heard for an additional 90 days, to and including July 26, 2019.
4. The terms of this Order shall remain in full force and effect for a period not to exceed 90 days, to and including July 26, 2019.
5. Should the United States file a civil forfeiture complaint against any of the properties prior to the expiration of this Order, this Restraining Order shall continue in full effect as to those Properties until further order of the Court.

Dated this 26th day of April, 2019.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

Attachment 1

The Properties, namely funds in the accounts subject to this Court's Restraining Order are fully identified as follows:

- a. \$588,453.25 USD in Bank of America Account Number **x8909** in the Name of "James Dunbar;"
- b. \$859,049.90 USD in JP Morgan Chase Account Number **x8305** in the Name of "Vines Investments Inc.;"
- c. \$251,758.06 USD in Bank of America Account Number **x7317** in the Name of "Shelby R Carter Sole Prop;"
- d. \$265,000.00 USD in Central Trust Bank Account Number **x6587** in the Name of "James Dunbar;" and
- e. \$44,810.33 USD in First Republic Bank Account Number **x2996** in the name of "Ashton B Vines."